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11 REGAL ENTERTAINMENT GROUP

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

11 TAMMY LITTLE, an individual;
12 LEAH BUMBALOW, a minor, by and
13 through her Guardian Ad Litem
14 TAMMY LITTLE,

15 Plaintiff,

16 vs.

17 REGAL ENTERTAINMENT GROUP,
18 a Delaware corporation; LAURA, an
19 individual; and DOES 1-25, inclusive,
20 Defendants.

Case No.

NOTICE OF REMOVAL

Action Filed: 07/21/2021

21 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

22 PLEASE TAKE NOTICE that Defendants, REGAL CINEMAS, INC. and
23 REGAL ENTERTAINMENT GROUP hereby remove to this Court the state court
24 action described below. Removal of this action is proper for the following reasons:

25 **I TIMELINESS**

26 1. Plaintiff commenced her action on or about July 21, 2021, by filing a
27 Complaint for Personal Injuries and Damages on behalf of herself and as Guardian
28 Ad Litem for her daughter, Leah Bumbalow. A true and correct copy of the
Complaint is attached hereto as **Exhibit A**.

2. Defendant, REGAL ENTERTAINMENT GROUP has been served

1 with the Complaint via personal service on the agent for service of process on
 2 March 7, 2022. Counsel for Plaintiffs was advised that REGAL CINEMAS, INC. is
 3 the appropriate, operating entity to be named in the suit. Plaintiffs filed a DOE
 4 Amendment on March 23, 2022 naming Regal Cinemas, Inc. as DOE 1. Plaintiffs’
 5 counsel represented via electronic communications on March 29, 2022 that when a
 6 conformed copy of the DOE Amendment was received they would be dismissing
 7 Regal Entertainment Group. A true and correct copy of the DOE Amendment is
 8 attached hereto as **Exhibit B** and a true and correct copy of the electronic
 9 communication regarding dismissal of Regal Entertainment Group is attached hereto
 10 as **Exhibit C**.

11 3. This notice of removal is timely in that it is filed on or before thirty
 12 (30) days after the responsive pleading deadline of April 6, 2022 and the Complaint
 13 contains notice that the case is removable within the meaning of 28 USC §§ 1441(b)
 14 and 1446.

15 **II BASIS FOR REMOVAL**

16 5. This is a civil action over which this Court has original jurisdiction
 17 under Title 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court
 18 by defendant, Regal Cinemas, Inc. and Regal Entertainment Group, pursuant to the
 19 provisions of Title 28 U.S.C. § 1441(b) in that the action is between citizens of
 20 different States.

21 6. Plaintiffs’ Complaint alleges that the incident occurred in the State of
 22 California. Plaintiffs also reside in California. Defendant, Regal Cinemas, Inc., is a
 23 Corporation registered in Delaware, with a principal place of business in Knoxville,
 24 Tennessee, where the corporation’s high-level officers direct, control, and
 25 coordinate the company’s activities and is the operating entity. Defendant, Regal
 26 Entertainment Group is also a Corporation registered in Delaware, with a principal
 27 place of business in Knoxville, Tennessee, where the corporation’s high-level
 28 officers direct, control, and coordinate the company’s activities and is the parent

1 entity.

2 7. Plaintiffs' Complaint also names an individual named "Laura" who
3 they allege was a supervisor and/or manager at the theater at the time of the incident.
4 While no last name is stated for Laura in the Complaint, somehow Plaintiffs
5 purportedly knew to allege that Laura is a resident of San Bernardino County,
6 California. The Complaint further alleges she was responsible for the maintenance
7 of the theater and for training/educating employees.

8 8. It is believed that the naming of Laura by Plaintiffs is for sham
9 purposes for multiple reasons. To begin with, no employee by the name of Laura
10 was working on the night of the incident. A true and correct copy of the employee
11 roster for that evening is attached hereto as **Exhibit D**.

12 9. Moreover, the allegations are not sufficient to create individual liability
13 on any purported employee as all of the alleged negligence, as pled, would be
14 transferred to Regal Cinemas, Inc. and/or Regal Entertainment Group under theories
15 of vicarious liability.

16 10. Additionally, Plaintiffs do not know enough about Laura to name her
17 with a proper last name, yet somehow they know to allege that she lives in San
18 Bernardino County without any facts substantiating so.

19 11. In telephonic and electronic meet and confer efforts with counsel for
20 Plaintiffs as to who Laura is and why she is named, they have been unable to
21 provide any facts or bases as to who she is, what her full name is and what she did
22 or did not do to create individual liability that would not be assumed by her
23 employer, *i.e.* Regal Cinemas, Inc. and/or Regal Entertainment Group. In fact, in
24 said meet and confer efforts Plaintiff counsel inquired "If we dismiss Laura, are you
25 going to remove the case to Federal Court?" To which, counsel was reminded that
26 naming an individual employee and alleging she is a California resident without any
27 bases for doing so simply to destroy diversity is improper prosecution of a case. A
28 true and correct copy of the electronic meet and confer exchanges memorializing the

1 conversations is attached hereto as **Exhibit E**.

2 12. A non-diverse party named in the state court action may be disregarded
 3 if the Federal Court determines that the party's joinder is a "sham" or "fraudulent"
 4 so that no possible cause of action has been stated against that party. *Morris v.*
 5 *Princess Cruises, Inc.* (9th Cir. 2001) 236 F3d 1061, 1067. In *Sherrill v. G&K*
 6 *Services, Inc.* (C.D. Cal. 2014) 2014 WL 6670064 at p.2 the Court acknowledged
 7 that "joinder of a non-diverse defendant is fraudulent where the plaintiff 'fails to
 8 state a cause of action against a resident defendant, and the failure is obvious
 9 according to the settled rules of the state.'" As is clearly the case here, such that
 10 "Laura" cannot destroy diversity because there is no proper cause of action that she
 11 alone can carry and she must be dismissed from the matter.

12 13. Upon information and belief, Plaintiff is claiming injuries to her and
 13 her daughter whom she was carrying in her arms at the time of the fall. They both
 14 claim they were hurt in their health, strength and activity sustaining severe shock
 15 and injuries to their persons all of which said injuries have caused, continue to
 16 cause, and will in the future cause Plaintiffs great physical and emotional pain and
 17 suffering and that the injuries are permanent in nature. As such, it is presumed that
 18 Plaintiffs allege the case value to exceed \$75,000.00.

19 **III VENUE**

20 14. The San Bernardino County Superior Court is located within the
 21 jurisdiction of the United State District Court, Central District of California (Eastern
 22 Division). *See* Title 28 U.S.C. § 84(c)(2). This venue is proper, pursuant to Title 28
 23 U.S.C. § 1391. This Notice of Removal is therefore properly filed in this Court,
 24 pursuant to Title 28 U.S.C. § 1441.

25 **IV PLEADINGS AND PROCESS**

26 15. Other than Exhibits A, B, C, D and E there are no other pertinent
 27 documents at this time to the removal pleadings on file in the State Court action.
 28 This Notice of Removal is being filed without prejudice to Defendants' objections

1 and defenses.

2 16. Counsel for Defendant certifies that they will file a true and correct
3 copy of this Notice of Removal with the Clerk of the Superior Court of California,
4 County of San Bernardino, as required by Title 28 U.S.C. § 1446, and give notice of
5 same to Plaintiffs.

6 WHEREFORE, Regal Cinemas, Inc. and Regal Entertainment Group, hereby
7 removes the action now pending against it in the Superior Court of the State of
8 California for the County of San Bernardino, to this Honorable Court, and requests
9 that this Court retain jurisdiction for all further proceedings.

10
11 Dated: April 5, 2022

BRADLEY, GMELICH & WELLERSTEIN LLP

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14 By: 

15 Thomas P. Gmelich
16 Arpineh Yeremian

17 Attorneys for Defendants, REGAL
18 CINEMAS, INC., REGAL
19 ENTERTAINMENT GROUP
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PROOF OF SERVICE

Tammy Little, et al. vs. Regal Entertainment Group, et al.
Case No.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203-1202.

On April 5, 2022, I served true copies of the following document(s) described as **NOTICE OF REMOVAL** on the interested parties in this action as follows:

Daniel Azizi, Esq.
Nina Sargsyan, Esq.
Downtown L.A. Law Group
601 N Vermont Avenue
Los Angeles, CA 90004
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***Attorneys for Plaintiffs, TAMMY
LITTLE and LEAH BUMBALOW***

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 5, 2022, at Glendale, California.


Inessa Gentile